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Morteza Kalhour

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,182	<b>Applicant(s)</b> KALHOUR, MORTEZA	
	<b>Examiner</b> SHAWKI S. ISMAIL	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-15, 18, 20-22, 24, 25, 28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-15, 18, 20-22, 24, 25, 28 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/13/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **RESPONSE TO AMENDMENT**

1. This communication is responsive to the amendment received on May 13, 2008.

Claims 1, 12, 15, 22, 25, and 32 have been amended.

Claims 5-6, 16-17, 19, 23, 26-27, 29, and 33-34 have been cancelled

Claims 1-4, 7-15, 18, 20-22, 24-25, 28, and 30-32 are pending further examination.

References in applicant's IDS form 1449 received on May 13, 2008 have been considered.

#### **Continued Examination Under 37 CFR 1.114 1.**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 13, 2008 has been entered.

#### **The New Grounds of Rejection**

3. Applicant's amendment and arguments received on May 13, 2008 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

#### **Claim Rejections - 35 USC §103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 7-12, 18, 20-22, and 28, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozkan et al.**, (hereinafter referred to as Ozkan) U.S. Patent No. **6,115,074** in view of **Klosterman** (hereinafter referred to as Klosterman U.S. Patent Publication **20080134243**).

6. As to claim 1, 12, 22, and 32 Ozkan teaches a method:

retrieving a set of tuning parameters for a requested one of a plurality of provided services by accessing-a database through one of a plurality of service identifiers (col.5, line 34-60, Processor 60 gets the tuning parameters including PTC carrier frequency, demodulation characteristics etc...):

the plurality of service identifiers identifying the plurality of provided services, and a plurality of sets of tuning parameters, each of the sets being associated with a respective one of said plurality of service identifiers (col.2, line 65 – col. 3, line 9); and

using said retrieved tuning parameters for tuning said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus),

Ozkan does not explicitly indicate wherein said database comprises at least two identical service identifiers, said at least two identical service identifiers being associated with different network types and wherein retrieving the set of tuning parameters further comprises selecting one of said at least two identical service identifiers in dependence on to which network a receiver is currently tuned.

Klosterman teaches a tuning scheme for coordinating schedule information and programs received from multiple sources. In the preferred embodiment, an identifier associated with the

program's channel is used to identify a source device. When a user selects a program listed in displayed schedule information, the system reads the source identifier attached to the program's channel. The system then carries out an automatic switching/tuning such that the required source device is input to the destination device, and a tuner is then tuned to the selected program's channel (see abstract, Fig. 3 and paragraphs 0037-0038).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Klosterman into the invention of Ozkan in order to facilitate the tuning of multiple sources from different network types. Multiple sources from different networks will certainly contain identical service identifier (but with differing content) in order to be able to store tuning parameters from the different network sources that will be played on the end user device. For example channel 3 might play both cable and satellite, but depending on how the receiver is tuned, the content from either the cable source or satellite source will play to the user. Both network providers and users are able to identify both sources of content with identical identifiers but the receiver will play only the content it is currently tuned in that way automating the tuning of desired channels from plural different network sources and enhancing a user's television watching and interaction experience (refer to Klosterman at paragraph 0042).

7. As to claim 7, Ozkan teaches the method according to claim 1, wherein using said retrieved tuning parameters comprises the step of transferring said tuning parameters from said database directly to said receiver (col.3, lines 30-52, processor 60 uses the selection information provided to appropriately configure the elements of the digital video receiving apparatus.)

8. As to claim 8, 18 and 28, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, further comprising compiling said database in a Set Top Box (col. 3, lines 10-29, Fig. 1., digital video receiving apparatus.)

9. As to claim 9, 19, and 29, Ozkan teaches the system methods of claim 1, 12, 22, respectively, wherein compiling said database comprises performing a channel search (col. 6, lines 11-64.)

10. As to claim 10, 20, and 30, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said service identifiers relate to a Digital Video Broadcasting system (Abstract, Fig.1, col.1 lines 17-19, and col.2, lines 19-21.)

11. As to claim 11, 21, and 31, Ozkan teaches the system and methods of claim 1, 12, 22, respectively, wherein said set of tuning parameters comprises any of the following items: frequency, forward error correction, symbol rate, and packet identifier (col. 5, lines 56-61, parameters consist of frequency and PID for tuning a receiver.)

12. Claims 2-4, 13-15 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ozkan et al.**, (hereinafter referred to as Ozkan) U.S. Patent No. **6,115,074** in view of **Klosterman** (hereinafter referred to as Klosterman U.S. Patent Publication **20080134243** and further in view of **Wang** (hereinafter referred to as Wang) U.S. Patent No. **6,675,385**.

13. As to claim 2, and 13 Ozkan teaches the system and methods of claim 1, and 12, respectively, wherein said database is compiled by a remote terminal (col.4, lines 3-21, Processor 60 assembles the program specific information into multiple hierarchically arranged and interlinked tables.) Ozkan does not explicitly teach retrieving a set of tuning parameters comprises accessing said database through a data network, preferably the Internet.

Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the Internet for inclusion in its group of generated EPG web pages and then forwards them to a data streamer for formatting col.3, line 56 – col.4, line7.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang to retrieve a set of tuning parameters through a data network, preferably the internet, because The Internet gives the user the flexibility to get information from around the world in an efficient and timely manner.

14. As to claim 3, 14, and 24 Ozkan teaches the system and methods of claim 1, 12, 22, respectively. Ozkan does not explicitly teach wherein the step of retrieving a set of tuning parameters comprises the step of selecting a service identifier by means of a web browser.

Wang teaches downloading EPG web pages from the rotating data carousel upon specific demand from the web browser 32 and stored in HTML in work memory 28, col.4, lines 41-61.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang for retrieving a set of tuning parameters comprises the step of selecting a service identifier by means of a web browser because it gives the user the flexibility to navigate from one World Wide Website to another in whatever order they desire as well as allow them to select, retrieve and interact with resources on the web in an efficient and timely manner.

15. As to claim 4, 15, and 25, Ozkan teaches the system and methods of claim 1, 12, 22, respectively. Ozkan does not explicitly teach wherein the step of compiling said database comprises the additional step of downloading said database an HTML file to said receiver.

Wang teaches a EPG database coupled to an EPG Manager which downloads web pages in HTML format from the internet for inclusion in its group of generated EPG web pages and then forwarded to a data streamer for formatting col.3, line 56 – col.4, line7.)

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozkan and Wang to compile the database by downloading it as an HTML file to the receiver because HTML is the coded format language used for creating hypertext documents on the World Wide Web and controlling how Web pages appear.

16. Examiner Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Prior Art of Record

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

Response to Arguments

18. Applicant's amendment and arguments received on September 24, 2007 have been fully considered, however they are deemed to be moot in view of the new grounds of rejection.

Contact Information



19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/  
Examiner, Art Unit 2155  
August 4, 2008